IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 2344 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JIGNESH NATVARLAL SHAH

Versus

STATE OF GUJARAT

Appearance:

MR MEHUL SHARAD SHAH for Petitioner

MR AJ DESAI, APP for Respondent - State

CORAM : MR.JUSTICE D.P.BUCH

Date of decision: 02/05/2002

ORAL JUDGEMENT

1. This is an application under Section 482 of the Criminal Procedure Code, 1973 for quashing and setting aside the F.I.R. being C. R. No.I-35/2002 placed at Annexure-A filed by contesting respondent No.2 against the petitioner on 10th February, 2002 before Sola Highway Police Station, at Ahmedabad for the offence punishable

under Sections 363 and 366 of the Indian Penal Code.

2. In response to the service of rule, Mr.A.J.Desai, learned APP appears for the respondent State.

3. I have heard the learned advocates for the parties and perused the papers. It appears from the record that though the F.I.R. has been filed for the aforesaid offence, the fact remaines that the present petitioner has actually married on 22nd March, 2002 with the daughter of the contesting respondent. On hearing the learned advocates for the parties, it is found that the marriage has already taken place and they both are staying togather. This is a fit case in which the Court should exercise the inherent jurisdiction and powers under Section 482 of the said Code by quashing and setting aside the F.I.R.

4. For the foregoing reasons, this application is allowed. The F.I.R. being C. R. No.I-35/2002 filed before the Sola Highway Police Station, at Ahmedabad on 10th February, 2002 by the contesting respondent against the petitioner for the offences punishable under Sections 363 and 366 of the Indian Penal Code is ordered to be quashed and set aside. Rule is made absolute to that extent.

[D. P. BUCH, J.]

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